IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

FRIDAY, THE TWENTY NINETH DAY OF OCTOBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MS JUSTICE G.ROHINI

WRIT PETITION NO : 19790 of 2004

Between:

Bondalapati Peddanana, S/o. Venkataiah,
R/o. Muraripalli Village, Vyapalem Mandal, Prakasam District.

..... PETITIONER

AND

1. The Revenue Divisional Officer, Markapur, Prakasam District.
2. The Mandal Revenue Officer, Vypalem Mandal, Prakasam District.
3. Turimella Chinna Subba Rao, S/o. Chinna Burraiah
   R/o. MUraripalli Village, Vypalem Mandal, Prakasam District, A.P.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to Issue a Writ, order or direction more particularly one in the Writ of Mandamus declaring the proceedings Rc.No.11/1360/2004, dt. 24.7.2004 passed by the 1st respondent appointing the 3rd respondent as temporary dealer is illegal, arbitrary and consequently direct the respondent to continue the petitioner as Fair Price Shop Dealer of Muraripalli Village, Vyapalem Mandal, Prakasam District.

Counsel for the Petitioner :MR.M.RAMALINGESWARA REDDY

Counsel for the Respondents : GP FOR CIVIL SUPPLIES

The Court made the following :

ORDER:

The petitioner, who claims to be a fair price shop dealer of Muraripalli village, filed this writ petition aggrieved by the order of the Revenue Divisional Officer, Markapur, dated 24.07.2004, whereunder the third respondent was appointed as a temporary dealer on the basis of a report of the Mandal Revenue Officer, Vypalem dated 24.07.2004 stating that the petitioner has applied for leave from 01.08.2004 to 31.12.2004 on the ground of ill-health.

The only contention raised by the petitioner is that the report of the Mandal Revenue Officer dated 24-07-2004 is incorrect and the petitioner never applied for leave and therefore the 1st respondent is not justified in appointing the temporary dealer.

Having heard the learned counsel for the petitioner, and the learned Government Pleader appearing for the respondents 1 and 2, and particularly keeping in view that the question whether the petitioner has applied for leave or not is a pure question of fact, which cannot be investigated by this Court. I deem it appropriate to dispose of the writ petition granting liberty to the petitioner to make a representation in writing to the Revenue Divisional Officer, Markapur seeking redressal of his grievance. If such a representation is made, the Revenue Divisional Officer, Markapur shall consider the same and after making the necessary enquiry, appropriate orders be passed in accordance with law.

Accordingly, the writ petition is disposed of. No costs.

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29.10.2004

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To

1. The Revenue Divisional Officer, Markapur, Prakasam District.
2. The Mandal Revenue Officer, Vypalem Mandal, Prakasam District.
3. Two C.Cs to the G.P. for Civil Supplies, High Court Buildings, Hyderabad. (OUT).

4. Two C.D. copies.